

BOARD OF COUNTY COMMISSIONERS
Agenda Item Summary

Meeting Date May 19, 2004

Division **County Attorney**

AGENDA ITEM WORDING

Approval to rescind the March 17, 2004 Amendment to Interlocal Agreement with Property Appraiser to include reimbursement for the South Stock Island non-ad valorem assessment collection and approval of a revised Amendment to Interlocal Agreement with Property Appraiser.

ITEM BACKGROUND

At the August 1, 2002 meeting the Board approved the original Interlocal Agreement.

PREVIOUS RELEVANT BOCC ACTION

The Board also approved an amendment on March 17, 2004 on the same subject but which included a provision that had the statutorily required non-ad valorem notice placed on the TRIM notice if possible. That language has been removed per a request from John Dent, Esq., counsel to the Property Appraiser.

CONTRACT/AGREEMENT CHANGES

STAFF RECOMMENDATIONS

Approval.

TOTAL COST

BUDGETED Yes No

COST TO COUNTY

SOURCE OF FUNDS

APPROVED BY: County Attorney ■ OMB/Purchasing ! Risk Management !

DIVISION DIRECTOR APPROVAL:

John R. Collins 05/04/04
J. R. COLLINS

DOCUMENTATION:

Included !

To Follow !

Not Required !

AGENDA ITEM # _____

K2

**AMENDMENT TO AN INTERLOCAL AGREEMENT
FOR REIMBURSEMENT OF THE PROPERTY APPRAISER**

THIS AMENDMENT to an Interlocal Agreement for the Monroe County Board of County Commissioners (County), to reimburse the Monroe County Property Appraiser is made and entered into as of this _____ day of _____, 2004, by and between the County, and Ervin Higgs, in his official capacity as the Monroe County Property Appraiser (Property Appraiser).

WHEREAS, on August 1, 2002, the County and the Property Appraiser entered into an Interlocal Agreement for reimbursement to the Property Appraiser for his services in collecting certain non-ad valorem assessments; and

WHEREAS, it is desired by both parties to expand that August 1, 2002 agreement to cover certain other non-ad valorem assessments; now, therefore

IN CONSIDERATION of the mutual covenants and promises set forth below, the parties agree as follows:

1. The August 1, 2002, Interlocal Agreement between the parties (hereafter original agreement), a copy of which is attached to this amendment, is hereby amended by the addition of the following:

a) The terms and conditions of the original agreement shall also apply to the non-ad valorem assessments for sewer service from the owners of real property located within the area of South Stock Island (SSI) designated in Monroe County Resolution No. 561A-2003.

b) This amendment shall apply to the non-ad valorem assessments described above for fiscal year 2004-2005 and for each fiscal year thereafter so long as the non-ad valorem assessments are levied by the County according to the procedures of Sec. 197.3632, FS.

2. In all other respects, the terms and conditions of the original agreement remain in full force and effect. This amendment supersedes and replaces the amendment on the same subject approved by the County on March 17, 2004.

3. This amendment to the original agreement will take effect when a copy executed by both parties is filed with the Monroe County Clerk of the Circuit Court.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

(SEAL)
ATTEST: DANNY L. KOLHAGE, CLERK

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By _____
Deputy Clerk


By _____
Mayor/Chairman

ATTEST:

PROPERTY APPRAISER
OF MONROE COUNTY

By _____
jiaPA

By _____
Ervin Higgs

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

ROBERT N. WOLFE
CHIEF ASSISTANT COUNTY ATTORNEY
Date 5-5-04

D&A

ATTORNEYS AT LAW

DENT & ASSOCIATES, P.A.

P.O. Box 3259 • SARASOTA, FLORIDA 34230

JOHN C. DENT, JR.
SHERRI L. JOHNSON
JOE D. DINGESS
MICHELE SANTI

E-MAIL ADDRESS: JDENT@DENTASSOCIATES.COM

RICHARD A. MILLER
OF COUNSEL

April 27, 2004

Rob N. Wolfe
Chief Assistant County Attorney
502 Whitehead Street, Third Floor
Key West, Florida 33040

Re: Interlocal Agreement Between Ervin Higgs,
Monroe County Property Appraiser – Monroe County

Dear Rob:

With regard to the Amended Interlocal Agreement that was provided to Ervin, we wish to have it further amended, if this one has been already adopted or change it before it goes before the Commission to delete paragraph 1(b) of the proposal. Erv is concerned about this provision providing for trim notices, especially, in light of the fact that the required notice provided in the statute is being provided by the county without reliance upon the trim notice. Using Trim is not mandatory for non-ad valorem assessments. The inclusion of these is mechanically difficult but it also causes certain confusion with reference to the ad valorem portions of the trim notice to the taxpayer. Therefore, we request that this action be taken deleting this provision from the Agreement.

Thank you for your cooperation in this matter, I remain.

Sincerely,


John C. Dent, Jr.

cc: Ervin A. Higgs
Monroe County Property Appraiser

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RECEIVED

MAY 03 2004

MONROE COUNTY ATTORNEY